

# THE VAN NESS-MEDICO-LEGAL SUIT AT ANNAPOLIS.

Fourth Day of the Trial Consumed in Legal Hair-Splitting.

CLUTCHING THE KNOTTY POINTS.

Motion to Compel the Defence to Challenge the Jurors First.

## An Important Witness the Innocent Cause of Forensic Squabbling.

ANNAPOLIS, Md., Jan. 9, 1873.

The sun rose in a cloudless sky on this morning the fourth day of the prosecution (prosecution) medical colleges call it) of Mrs. Ellen G. Wharton for the alleged attempt to poison Eugene Van Ness. The wind blew softly and warm from the south, and a rare spring day followed. At half-past nine o'clock Mrs. Wharton, accompanied by her daughter, Nellie, Mrs. Nelson and Miss Nelson, alighted from a carriage at the entrance to the Court House grounds, where she was met by Judge Welch, who offered his arm and escorted her to her accustomed seat, near her lawyers, within the rail. Dr. Williams was not about, or, if present, kept quiet in the outskirts of the crowd, an unusual thing for him to do. He seems to think that on his decision and opinion hangs the criminal fate of the land and the safety of the citizens, and is said to be relentless against the poor lady whose wealth has all been absorbed and health undermined by the trials to which she has been subjected. At the table of the Maryland Hotel he talks loud and fierce, and with desperate energy, so that a stranger seated near by was led to inquire whether he was the State's Attorney or one of the prosecuting counsel. He has republished his pamphlet issued just after the Ketchum trial, and is circulating it with interest, the probable intent being to influence public opinion against Mrs. Wharton, but he has only his labor for his pains.

THE SYMPATHIES OF THE MASS OF THE PEOPLE are already with the accused, not the case that it is generally believed that the medical colleges have expressed hopes of obtaining her conviction, because the former trial little other than beggared her. All of her daughter Nellie's little fortune, some fifteen thousand dollars, has been spent in fighting the doctors; but her attorneys have their hearts more enlisted than their pockets in the case, and are working with a will born of conviction against the machinations of her accusers and the manoeuvres of the learned counsel for the State.

ATTORNEY GENERAL SYESTER IS A RELUCTANT of his stern duty, and Mr. States Attorney Reville has announced himself out of patience with his task, but their official pride prompts them to strenuous exertion. They are not half fierce enough to satisfy the medical college wisacres, though Messrs. Hagner, Thomas and Stump are developing great powers in their masterly defence, and though motions, founded in practice and precedent and logically expressed, are overruled, their patience is fast failing. Their resources appear to be in danger of failing. They are arrayed against the ablest prosecutors of the State. States Attorney Reville has been elected five times to the office he holds, and were it not for the gravity of the occasion it would be amusing to watch the both they give Messrs. Syester and Reville, and the surprise that meets their unexpected assaults. The prosecution has entrenched itself in sullen, dogged, persistent resolution, and with little endeavor at rebuttal, throws the onus of settlement of vexed points on the Court.

JUDGE MILLER MEETS EVERY EMERGENCY squarely, secure, as he says, from any chance of injustice to the prisoner, in the almost impossible event of a conviction, because she has the right of appeal and his rulings are susceptible of reversal. This morning, the proclamation of the opening of Court having been made, the first thing in order was the announcement of the Bench on the demurrer to the indictment argued yesterday. Judge Miller said the judges had considered the points raised by counsel for the defence on the terms of the indictment and indefiniteness of allegation, and were unanimous in opinion that the demurrer should be overruled. After hours were spent in the law library till very late in the afternoon, after a long talk with the question over at the hotel.

THE INDICTMENT REGULAR. The indictment having been pronounced regular and in due form, Mrs. Wharton was called upon to plead, and a plea of not guilty was entered in her behalf. At the conclusion of the plea, the State's Attorney Reville said that he wished to satisfy a matter of procedure. It is the custom in some of the States of the Union to require the accused to come to the defence to challenge the jury, and he wished to have a decision by the Court of Appeals as to the question of its correctness; to that end he offered as a motion.

State of Maryland vs. E. G. Wharton.—Indictment for attempt to poison.

The State of Maryland by its counsel moves the Court to grant the defence the right to challenge the jury, and the State shall be called upon to exercise its right.

He offered the motion that it might be denied and give time and opportunity to a bill of exceptions to be taken and incorporated in the case before the appellate court.

THE MOTION WAS DISALLOWED. And exceptions being taken by the counsel for Mrs. Wharton, the Court proceeded to the next step to be taken by the poor young man, who thinks or has been persuaded that a diabolical attempt was made to poison his father. The defence counsel, Mr. Syester, moved for a continuance of the case until the next day, and the Court granted it.

THE BOARD OF SUPERVISORS. The Board of Supervisors of the County of Columbia, Maryland, met at the residence of Judge Mason, at half-past nine o'clock, and the proceedings were continued from the previous day.

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remains in continuance. Mr. Hagner drew up an affidavit for the signature of Mrs. Wharton. Another affidavit was drawn up, and a complete and correct copy of the same was made, and the same was sworn to and signed by Mrs. Wharton. The affidavit, as follows, was at length sworn to and signed by Mrs. Wharton.

MRS. WHARTON'S AFFIDAVIT.

Sworn to before me on the 8th day of January, 1873, personally appeared Mrs. Ellen G. Wharton, who being duly sworn, deposes and says that she cannot safely go to trial in this case at this time because of the absence of her daughter, Nellie, a competent and material witness, whom she expects to prove that she said Laura Nelson had been in the room with her on the 10th of December, 1872, and that she said she saw her on the 11th of December, 1872, and that she saw her on the 12th of December, 1872, and that she saw her on the 13th of December, 1872, and that she saw her on the 14th of December, 1872, and that she saw her on the 15th of December, 1872, and that she saw her on the 16th of December, 1872, and that she saw her on the 17th of December, 1872, and that she saw her on the 18th of December, 1872, and that she saw her on the 19th of December, 1872, and that she saw her on the 20th of December, 1872, and that she saw her on the 21st of December, 1872, and that she saw her on the 22nd of December, 1872, and that she saw her on the 23rd of December, 1872, and that 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